REMARKS

In response to the final Office Action dated May 4, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-28 and 31-37 are pending in this application. Claims 29-30 and 38-50 have been canceled without prejudice or disclaimer.

Priority

The Office rejected the claim of priority to U.S. Patent Application No. 11/154,248. Paragraph [0002] has been amended to delete the claim of priority to this application.

Objection to Disclosure

The Office objected to the previous amendment for introducing new matter. The passage objected to by the Office, however, was included in the original filing of the application. In particular, the below passage was originally presented in paragraph [0002]:

> This application relates to Attorney Docket No. 36968-265386 (BS01341), filed by Matz et al. on December 14, 2001, entitled "System and Method for Utilizing Television Viewing Patterns," which is incorporated herein by reference. This application also relates to Attorney Docket No. 36968-265387 (BS01342) filed by Matz et al. on December 14, 2001, entitled "System and Method for Identifying Desirable Subscribers," which is incorporated herein by reference. This application also relates to U.S. Application Serial No. 09/496825, filed February 1, 2000, which is incorporated herein by reference.

This passage, then, cannot be new matter, so the Office is respectfully requested to remove the objection.

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Rejection of Claims 49 & 50

The Office rejected claims 49 and 50 under 35 U.S.C. § 112, second paragraph, for being indefinite. These claims have been canceled, so the rejection is moot.

Rejection of Claims under § 102 (e)

The Office rejected claims 1-41, 44-46, and 49-50 under 35 U.S.C. § 102 (e) as being anticipated by Published U.S. Patent Application 2003/0172374 to Vinson. A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 29-30, 44-46, and 49-50 have been canceled, so the rejection of these claims is moot.

Vinson cannot anticipate claims 1-28 and 31-37. These claims recite, or incorporate, many features that are not disclosed or suggested by *Vinson*. Independent claim 1, for example, recites "*collecting subscriber content-choice data from a plurality of service providers, ..., and each subscriber's content-choice data describing a type of a service provider that provides the content and a name of the service provider*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraphs [0044], [0048], and in FIG. 2. Independent claim 1 also recites "*receiving a request for the subscriber content-choice data, the request specifying at least one of the type of the service provider and the name of the service provider*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraphs [0053] and [0068]. Independent claim 1 also recites "*querying for the subscriber content-choice data associated with at least one of the type of the service provider and the name of the service provider*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0056]. Independent claim 1 is reproduced below, and independent claims 15 and 36 recite similar features.

1.   A method for receiving subscriber content-choice information, comprising:

      collecting subscriber content-choice data from a plurality of service providers, each service provider collecting the subscriber content-choice data from their respective subscribers, each subscriber's content-choice data related to a subscriber's viewing preferences for content, and each subscriber's content-choice data describing a type of a service provider that provides the content and a name of the service provider;

      storing the subscriber content-choice data in a database;

      receiving a request for the subscriber content-choice data, the request specifying at least one of the type of the service provider and the name of the service provider;

      querying for the subscriber content-choice data associated with at least one of the type of the service provider and the name of the service provider; and

      responding to the request with the subscriber content-choice data.

Vinson does not teach, suggest, or describe all these features. *Vinson* describes a database that stores set-top box events. *See* Published U.S. Patent Application 2003/0172374 to Vinson at paragraph [0027]. Each set-top box has a unique identification code that can be geographically sorted. *See id.* at paragraph [0030]. Set top box operators may request viewing habits. *See id.* at paragraph [0031]. These viewing habits may be correlated to demographic data, news, weather, and sales. *See id.* at paragraphs [0032] and [0033]. *Vinson* can predict reactions to future content. *See id.* at paragraph [0038]. Advertisements may be targeted. *See id.* at paragraph [0043].

Still, though, *Vinson* cannot anticipate independent claims 1, 15, and 36. *Vinson* fails to teach or suggest "*collecting subscriber content-choice data from a plurality of service providers, ..., and each subscriber's content-choice data describing a type of a service provider that provides the content and a name of the service provider*" (emphasis added). *Vinson* also fails to teach or suggest "*receiving a request for the subscriber content-choice data, the request specifying at least one of the type of the service provider and the name of the service provider*" (emphasis added). *Vinson* also fails to teach or suggest "*querying for the subscriber content-choice data associated with at least one of the type of the service provider and the name of the service provider*" (emphasis added).
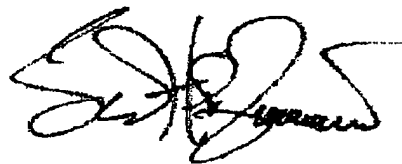
The dependent claims recite additional, distinguishing features. Dependent claim 9, for example, recites *"receiving an eXtensible Markup Language file having linear data describing the type of the service provider, the name of the service provider, and a location associated with the service provider."* Support for such features may be found at least in the as-filed application at paragraphs [0047], [0048], and in FIG. 2. Dependent claim 12 recites *"receiving an electronic request form that is standardized for all the service providers."* Support for such features may be found at least in the as-filed application at paragraph [0055].

Vinson, then, cannot anticipate claims 1-28 and 31-37. Independent claims 1, 15, and 36 recite many features that are not taught or suggested by *Vinson.* The dependent claims incorporate these same features and recite additional features. *Vinson*, then, cannot anticipate claims 1-28 and 31-37, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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